

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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ROBERT WENTWORTH,

Plaintiff,

v.

ORDER

Case No. 19-cv-514-jdp

COLUMBIA COUNTY, ROGER BRANDNER,  
MICHAEL HAVERLEY, MARK SMIT, JORDAN  
HAUETER, DAVID CLARK, CORY MILLER, and  
ROBERT BECKER,

Defendants.

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On August 1, 2019, counsel for defendant Robert Becker filed a suggestion of death upon record as to defendant Becker pursuant to Federal Rule of Civil Procedure 25(a). As set forth in *Atkins v. City of Chicago*, 547 F.3d 869, 870-74 (7th Cir. 2008), Rule 25 requires the party filing the suggestion of death to both identify the proper party to be substituted and serve that individual with the notice. Until proper service is effectuated, the 90-day deadline is not triggered. *Id.* at 874 (“[N]othing will suffice to start the 90-day clock running except service on whoever is identified as the decedent’s representative or successor.”). Counsel for defendant Becker may have an opportunity to identify the proper party to be substituted and then to serve the notice on that party. Once that occurs, plaintiff will have 90 days to file a motion for substitution.

ORDER

IT IS ORDERED that counsel for defendant Robert Becker may have until, **August 29, 2019**, to serve the proper person with notice of death or show cause why they are unable to do so. Once counsel files proof of service, plaintiff will have 90 days to file a motion for substitution.

Entered this 1st day of August, 2019.

BY THE COURT:

/s/  
PETER OPPENEER  
Magistrate Judge